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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,768	10/19/2004	Toni Kopra	KOLS.156US	6638
7590 08/12/2008 Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425				
EXAMINER				
SHARMA, SUJATHA R				
ART UNIT		PAPER NUMBER		
2618				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,768

Applicant(s)

KOPRA ET AL.

Examiner

SUJATHA SHARMA

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

The applicant argues that Oyagi fails to at least teach or suggest a user terminal of a telecommunication system, as claimed but teaches a DAB receiver. Further the applicant argues that the DAB receiver cannot correspond to, or communicate with, a user terminal, as claimed.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, though the secondary reference does not teach a user terminal in the telecommunication system, the reference is still relevant art since it is in the field of wireless communications where the broadcast information is delivered over a wireless medium to the end user. Hence it is this teaching of Oyagi of exchanging associating data between the media receiver and the user terminal (See paragraphs 6, 33-37) that is used in modifying Sjoblom's invention. The motivation to modify Sjoblom with the above teaching of Oyagi is to provide various kinds of program information data to enhance user experience. Therefore the rejection of the claims as submitted in the previous office action and as discussed below is considered proper.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 and 16- 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sjoblom [US 2004/0049779] in view of Oyagi [EP 1 191 722].

Regarding claim 1, Sjoblom discloses a method and apparatus for interactive television viewing. Sjoblom further discloses a method comprising:

- transmitting associating data for associating a media stream with a service; See paragraphs 7-11
- receiving in the user equipment, the associating data; See paragraphs 7-11
- configuring a system comprising the cellular telecommunication system and the broadcast system to provide the user equipment with the service associated with the media stream by using the associating data. See paragraphs 7-11

However, Sjoblom fails to disclose a method comprising exchanging associating data between the media receiver and the user terminal.

Oyagi, in the same field of endeavor, teaches a method comprising exchanging associating data between the media receiver and the user terminal. See paragraphs 6, 33-37.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Oyagi to Sjoblom in order to provide various kinds of program information data.

Regarding claim 2, Sjoblom discloses a method comprising:

- storing automatically at least a portion of the associating data in the user equipment;
11,57,62
- configuring the system by using the at least a portion of the associating data. 11,57,62
-

Regarding claim 3, Sjoblom discloses a method comprising providing the user equipment with the service using the associating data. See paragraphs 8,9,39-47,84,85,90,91.

Regarding claim 4, Sjoblom discloses a method further comprising configuring the media receiver to receive a media stream associated with the service. See paragraphs 8,9,39-47,84,85,90,91

Regarding claim 5, Sjoblom discloses a method further comprising receiving the media stream.
See paragraphs 8,9

Regarding claim 6, Sjoblom discloses a method further comprising transmitting the associating data for associating a media stream with a service synchronized with the media stream. See paragraphs 8,9

Regarding claim 7, Sjoblom discloses a method further comprising transmitting associating data including at least one of location information. See paragraphs 15,90,91

Regarding claim 8, Sjoblom discloses a method further comprising:

- transmitting at least a portion of the associating data from the user equipment to a server providing the service for user equipment; see paragraphs 7-11,84,85,90,91
- configuring the server to provide the user equipment with the service by using the at least a portion of the associating data. see paragraphs 7-11,84,85,90,91

Regarding claim 9, Sjoblom discloses a method further comprising:

- requesting for configuration parameters for configuring the user equipment to access the service, by using at least a portion of the associating data; see paragraphs 7-11,15,90,91
- returning (408) the configuration parameters configuring the user equipment with the configuration parameters. See paragraphs 15,84,85,90,91

Regarding claim 10, Sjoblom discloses a method characterized by further comprising returning configuration parameters including at least one of location information See paragraphs 15,90,91

Regarding claim 11, Sjoblom discloses a method further comprising: displaying at least a portion of the associating data to the user and selecting from the at least a portion of the associating data by the user and configuring the system by using the item. See paragraphs 7-11

Regarding claim 12, Sjoblom discloses a method further comprising

- transmitting at least a portion of the associating data using the broadcast system and receiving at least a portion of the associating data using the media receiver; see paragraphs 7-11

Regarding claim 13, Sjoblom discloses a method further comprising transmitting at least a portion of the associating data using the cellular telecommunication system. see paragraphs 7-11

Regarding claim 14, 28 Oyagi further teaches a method comprising encoding at least a portion of the associating data into the media stream and decoding in the user equipment, the at least a portion of the associating data from the media stream. See paragraphs 19-22

Regarding claim 16, Sjoblom discloses a method comprising:

- a communication network of a cellular telecommunication system for providing the user equipment with mobile services; see Fig. 1, element 9 and paragraphs 10,31 and a

broadcast system for providing the user equipment with a media stream (see fig. 1, element 1 and paragraphs 7-9,31

- a user terminal in the user equipment for communicating in the cellular telecommunication system; see elements 7 and 11 in Fig. 1
- a media receiver in the user equipment for receiving the media stream; see elements 7 and 11 in Fig. 1

characterized in that the system further comprises:

- a server connected to the communication network for providing the user equipment with service associated with the media stream by using the radio interface of the cellular telecommunication system; see element 5 in Fig. 1
- an associating data source for providing the user equipment with associating data for associating the media stream with the service See paragraphs 7-11,39-47,84,85,90,91
- wherein the user equipment is configured to receive at least a portion of the associating data; 11,57,62
- configuring means operationally connected to the user equipment and the server for configuring the system to provide the user equipment with the service associated with the media stream by using the associating data. See paragraphs 8,9,39-47,84,85,90,91

Regarding claim 17, Sjoblom discloses a method comprising:

- storing automatically at least a portion of the associating data in the user equipment; 11,57,62
- configuring the system by using the at least a portion of the associating data. 11,57,62

Regarding claim 18, Sjoblom discloses a method comprising providing the user equipment with the service using the associating data. See paragraphs 8,9,39-47,84,85,90,91

Regarding claim 19, Sjoblom discloses a method further comprising configuring the media receiver to receive a media stream associated with the service. See paragraphs 8,9,39-47,84,85,90,91

Regarding claim 20, Sjoblom discloses a method further comprising transmitting the associating data for associating a media stream with a service synchronized with the media stream. See paragraphs 8,9

Regarding claim 21, Sjoblom discloses a method further comprising transmitting associating data including at least one of location information. See paragraphs 15,90,91

Regarding claim 22, Sjoblom discloses a method further comprising:

- transmitting at least a portion of the associating data from the user equipment to a server providing the service for user equipment; see paragraphs 7-11,84,85,90,91

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- configuring the server to provide the user equipment with the service by using the at least a portion of the associating data. see paragraphs 7-11,84,85,90,91

Regarding claim 23, Sjoblom discloses a method further comprising:

- requesting for configuration parameters for configuring the user equipment to access the service, by using at least a portion of the associating data; see paragraphs 7-11,15,90,91
- returning (408) the configuration parameters configuring the user equipment with the configuration parameters. See paragraphs 15,84,85,90,91

Regarding claim 24, Sjoblom discloses a method characterized by further comprising returning configuration parameters including at least one of location information See paragraphs 15,90,91

Regarding claim 25, Sjoblom discloses a method further comprising:

displaying at least a portion of the associating data to the user and selecting from the at least a portion of the associating data by the user and configuring the system by using the item. See paragraphs 7-11

Regarding claim 26, Sjoblom discloses a method further comprising

- transmitting at least a portion of the associating data using the broadcast system and receiving at least a portion of the associating data using the media receiver; see paragraphs 7-11

Regarding claim 27, Sjoblom discloses a method further comprising transmitting at least a portion of the associating data using the cellular telecommunication system. see paragraphs 7-11

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like to obtain information regarding the status of an application, status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please contact a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sujatha Sharma/
Primary Examiner, Art Unit 2618
Sujatha Sharma
July 28, 2008